

Union Calendar No. 188

103D CONGRESS
1ST SESSION

H. R. 3313

[Report No. 103-349]

A BILL

To amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

NOVEMBER 10, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. ROWLAND (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of Texas, Mr. SMITH of New Jersey, Mr. FILNER, Mr. BILIRAKIS, Mr. BISHOP, Mr. HUTCHINSON, Mr. KREIDLER, Mr. EVERETT, Mr. BUYER, and Mr. LINDER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER 10, 1993

Additional sponsors: Mr. STEARNS, Mr. QUINN, Mr. SPENCE, Mr. RIDGE, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Ms. WOOLSEY

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[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relat-

ing to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Health Im-
 5 provements Act of 1993”.

6 **TITLE I—WOMEN VETERANS**
 7 **HEALTH IMPROVEMENTS**

8 **SEC. 101. SHORT TITLE.**

9 This title may be cited as the “Women Veterans
 10 Health Improvements Act of 1993”.

11 **SEC. 102. HEALTH CARE SERVICES FOR WOMEN.**

12 (a) ENSURED PROVISION OF SERVICES.—The Sec-
 13 retary of Veterans Affairs shall ensure that each health-
 14 care facility under the direct jurisdiction of the Secretary
 15 is able, through services made available either by individ-
 16 uals appointed to positions in the Veterans Health Admin-
 17 istration or under contracts or other agreements made
 18 under section 7409, 8111, or 8153 of title 38, United
 19 States Code, or title II of Public Law 102–585, to provide
 20 in a timely and appropriate manner women’s health serv-

1 ices (as defined in section 1701(10) of title 38, United
2 States Code (as added by section 3)) to any veteran de-
3 scribed in section 1710(a)(1) of title 38, United States
4 Code, who is eligible for such services.

5 (b) ROUTINE HEALTH CARE SERVICES.—The Sec-
6 retary shall ensure that each health-care facility under the
7 direct jurisdiction of the Secretary that serves a catchment
8 area in which the number of women veterans described
9 in section 1710(a)(1) of title 38, United States Code,
10 makes it cost effective to do so shall provide routine wom-
11 en’s health services directly (rather than by contract or
12 other agreement). The Secretary shall ensure that each
13 such facility is provided appropriate equipment, facilities,
14 and staff to carry out the preceding sentence and to en-
15 sure that the quality of care provided under the preceding
16 sentence is in accordance with professional standards.

17 (c) CONFORMING REPEAL.—Section 302 of the Vet-
18 erans’ Health Care Amendments of 1983 (Public Law 98-
19 160; 97 Stat. 1004; 38 U.S.C. 1701 note) is repealed.

20 **SEC. 103. WOMEN’S HEALTH SERVICES.**

21 (a) WOMEN’S HEALTH SERVICES.—Section 1701 of
22 title 38, United States Code, is amended—

23 (1) in paragraph (6)(A)(i), by inserting “wom-
24 en’s health services,” after “preventive health serv-
25 ices,”; and

1 (2) by adding at the end the following:

2 “(10) The term ‘women’s health services’ means the
3 following health care services provided to women:

4 “(A) Papanicolaou tests (pap smear).

5 “(B) Breast examinations and mammography.

6 “(C) General reproductive health care (includ-
7 ing the management of menopause), but not includ-
8 ing infertility services (other than infertility counsel-
9 ing), abortions, or pregnancy care (including
10 prenatal and delivery care), except for such care re-
11 lating to a pregnancy that is complicated or in which
12 the risks of complication are increased by a service-
13 connected condition.

14 “(D) The management and prevention of sexu-
15 ally-transmitted diseases.

16 “(E) The management and treatment of
17 osteoporosis.

18 “(F) Counseling and treatment for physical or
19 psychological conditions arising out of acts of sexual
20 violence.”.

21 “(G) *Early detection, management, and treat-*
22 *ment for cardiac disease, in the case of women who*
23 *are determined to be at risk of cardiac disease.”.*

1 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 106 of the Veterans Health Care Act of 1992 (Public Law
3 102–585; 38 U.S.C. 1710 note) is amended—

4 (1) by striking out subsection (a); and

5 (2) by striking out “(b) RESPONSIBILITIES OF
6 DIRECTORS OF FACILITIES.—” before “The Sec-
7 retary”.

8 (c) EXTENSION OF ANNUAL REPORT REQUIRE-
9 MENT.—Section 107(a) of such Act is amended by strik-
10 ing out “Not later than January 1, 1993, January 1,
11 1994, and January 1, 1995” and inserting in lieu thereof
12 “Not later than January 1 of 1993 and each year there-
13 after through 1998”.

14 (d) REPORT ON HEALTH CARE AND RESEARCH.—
15 Section 107(b) of such Act is amended—

16 (1) in paragraph (1), by striking out “services
17 described in section 106 of this Act” and inserting
18 in lieu thereof “women’s health services (as such
19 term is defined in section 1701(10) of title 38,
20 United States Code)”;

21 (2) in paragraph (2)(A), by inserting “(includ-
22 ing information on the number of inpatient stays
23 and the number of outpatient visits through which
24 such services were provided)” after “facility”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(5) A description of the actions taken by the
4 Secretary to foster and encourage the expansion of
5 such research.”.

6 **SEC. 104. MAMMOGRAPHY QUALITY STANDARDS.**

7 (a) IN GENERAL.—(1) Subchapter II of chapter 73
8 of title 38, United States Code, is amended by adding at
9 the end the following new section:

10 **“§ 7318 7319. Mammography quality standards**

11 “(a) A mammogram may not be performed at a De-
12 partment facility unless that facility is accredited for that
13 purpose by a private nonprofit organization designated by
14 the Secretary. An organization designated by the Sec-
15 retary under this subsection shall meet the standards for
16 accrediting bodies established under section 354(e) of the
17 Public Health Service Act (42 U.S.C. 263b(e)).

18 “(b) The Secretary, in consultation with the Sec-
19 retary of Health and Human Services, shall prescribe
20 quality assurance and quality control standards relating
21 to the performance and interpretation of mammograms
22 and use of mammogram equipment and facilities of the
23 Department of Veterans Affairs consistent with the re-
24 quirements of section 354(f)(1) of the Public Health Serv-
25 ice Act. Such standards shall be no less stringent than

1 the standards prescribed by the Secretary of Health and
2 Human Services under section 354(f) of the Public Health
3 Service Act and shall be prescribed during the 120-day
4 period beginning on the date on which the Secretary of
5 Health and Human Services prescribes quality standards
6 under section 354(f) of the Public Health Service Act (42
7 U.S.C. 263b(f)).

8 “(c)(1) The Secretary, to ensure compliance with the
9 standards prescribed under subsection (b), shall provide
10 for an annual inspection of the equipment and facilities
11 used by and in Department health care facilities for the
12 performance of mammograms. Such inspections shall be
13 carried out in a manner consistent with the inspection of
14 certified facilities by the Secretary of Health and Human
15 Services under section 354(g) of the Public Health Service
16 Act.

17 “(2) The Secretary may not provide for an inspection
18 under paragraph (1) to be performed by a State agency.

19 “(d) The Secretary shall ensure that mammograms
20 performed for the Department under contract with any
21 non-Department facility or provider conform to the quality
22 standards prescribed by the Secretary of Health and
23 Human Services under section 354 of the Public Health
24 Service Act.

1 “(e) For the purposes of this section, the term ‘mam-
2 mogram’ has the meaning given such term in section
3 354(a)(5) of the Public Health Service Act (42 U.S.C.
4 263b(a)).”.

5 (2) The table of sections at the beginning of such
6 chapter is amended by inserting after the item relating
7 to section ~~7317~~ 7318 the following new item:

“~~7318~~ 7319. Mammography quality standards.”.

8 (b) TRANSITION.—(1) Subsection (a) of section ~~7318~~
9 7319 of title 38, United States Code, as added by sub-
10 section (a), shall take effect on the date on which stand-
11 ards are prescribed by the Secretary of Veterans Affairs
12 under subsection (b) of such section.

13 (2) During the transition period, the Secretary may
14 waive the requirement of subsection (a) of section ~~7318~~
15 7319 of title 38, United States Code, as added by sub-
16 section (a), to any facility of the Department. The Sec-
17 retary may provide such a waiver in the case of any facility
18 only if the Secretary determines, based upon the rec-
19 ommendation of the Under Secretary for Health, that dur-
20 ing the period such a waiver is in effect for such facility
21 (including any extension of the waiver under paragraph
22 (3)) the facility will be operated in accordance with stand-
23 ards prescribed by the Secretary under subsection (b) of
24 such section to assure the safety and accuracy of mam-
25 mography services provided.

1 (3) The transition period for purposes of this section
2 is the six-month period beginning on the date specified in
3 paragraph (1). The Secretary may extend such period for
4 a period not to exceed 90 days in the case of any Depart-
5 ment facility. Any such extension may be made only if the
6 Under Secretary for Health determines that—

7 (A) without the extension access of veterans to
8 mammography services in the geographic area
9 served by the facility would be significantly reduced;
10 and

11 (B) appropriate steps will be taken before the
12 end of the transition period (as extended) to obtain
13 accreditation of the facility as required by subsection
14 (a) of section ~~7318~~ 7319 of title 38, United States
15 Code, as added by subsection (a).

16 (c) IMPLEMENTATION REPORT.—The Secretary of
17 Veterans Affairs shall submit to the Committees on Veter-
18 ans' Affairs of the Senate and House of Representatives
19 a report on the Secretary's implementation of section
20 ~~7318~~ 7319 of title 38, United States Code, as added by
21 subsection (a). The report shall be submitted not later
22 than 120 days after the date on which the Secretary pre-
23 scribes the quality standards required under subsection
24 (b) of that section.

1 **SEC. 105. RESEARCH RELATING TO WOMEN VETERANS.**

2 (a) INCLUSION OF WOMEN AND MINORITIES IN
3 CLINICAL RESEARCH PROJECTS.—(1) In conducting or
4 supporting clinical research, the Secretary of Veterans Af-
5 fairs shall ensure that, whenever possible and appro-
6 priate—

7 (A) women who are veterans are included as
8 subjects in each project of such research; and

9 (B) members of minority groups who are veter-
10 ans are included as subjects of such research.

11 (2) In the case of a project of clinical research in
12 which women or members of minority groups will under
13 paragraph (1) be included as subjects of the research, the
14 Secretary of Veterans Affairs shall ensure that the project
15 is designed and carried out so as to provide for a valid
16 analysis of whether the variables being tested in the re-
17 search affect women or members of minority groups, as
18 the case may be, differently than other persons who are
19 subjects of the research.

20 (b) POPULATION STUDY.—Section 110(a) of the Vet-
21 erans Health Care Act of 1992 (Public Law 102–585; 106
22 Stat. 4948) is amended by adding at the end of paragraph
23 (3) the following: “If it is feasible to do so within the
24 amounts available for the conduct of the study, the Sec-
25 retary shall ensure that the sample referred to in sub-
26 section (a) constitutes a representative sampling (as deter-

1 mined by the Secretary) of the ages, the ethnic, social and
2 economic backgrounds, the enlisted and officer grades,
3 and the branches of service of all veterans who are
4 women.”.

5 **SEC. 106. SEXUAL TRAUMA COUNSELING.**

6 (a) EXTENSION OF PERIOD OF AUTHORITY TO PRO-
7 VIDE SEXUAL TRAUMA COUNSELING.—Subsection (a) of
8 section 1720D of title 38, United States Code, is amend-
9 ed—

10 (1) by striking out “December 31, 1995,” in
11 paragraph (1) and inserting in lieu thereof “Decem-
12 ber 31, 1998,”; and

13 (2) by striking out “December 31, 1994,” in
14 paragraph (3) and inserting in lieu thereof “Decem-
15 ber 31, 1998,”.

16 (b) PERIOD OF ELIGIBILITY TO SEEK COUNSEL-
17 ING.—(1) Such subsection is further amended—

18 (A) by striking out paragraph (2); and

19 (B) by redesignating paragraph (3) (as amend-
20 ed by subsection (a)(2)) as paragraph (2).

21 (2) Section 102(b) of the Veterans Health Care Act
22 of 1992 (Public Law 102–585; 106 Stat. 4946; 38 U.S.C.
23 1720D note) is repealed.

1 (c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT
2 OF COUNSELING.—Section 1720D of title 38, United
3 States Code, is further amended—

4 (1) by striking out subsection (b); and

5 (2) by redesignating subsections (c), (d), and
6 (e) as subsections (b), (c), and (d), respectively.

7 (d) INCREASED PRIORITY OF CARE.—Section 1712(i)
8 of title 38, United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by inserting “(A)” after “To a vet-
11 eran”; and

12 (B) by inserting “, or (B) who is eligible
13 for counseling under section 1720D of this title,
14 for the purposes of such counseling” before the
15 period at the end; and

16 (2) in paragraph (2)—

17 (A) by striking out “, (B)” and inserting
18 in lieu thereof “or (B)”; and

19 (B) by striking out “, or (C)” and all that
20 follows through “such counseling”.

21 (e) PROGRAM REVISION.—(1) Section 1720D of title
22 38, United States Code, is further amended—

23 (A) by striking out “woman” in subsection
24 (a)(1);

1 (B) by striking out “women” in subsection
2 (b)(2)(C) and in the first sentence of subsection (c),
3 as redesignated by subsection (c); and

4 (C) by striking out “women” in subsection
5 (c)(2), as so redesignated, and inserting in lieu
6 thereof “individuals”.

7 (2)(A) The heading of such section is amended to
8 read as follows:

9 **“§ 1720D. Counseling for sexual trauma”.**

10 (B) The item relating to such section in the table of
11 sections at the beginning of chapter 17 of such title is
12 amended to read as follows:

“1720D. Counseling for sexual trauma.”.

13 (f) INFORMATION BY TELEPHONE.—(1) Paragraph
14 (1) of section 1720D(c) of title 38, United States Code,
15 as redesignated by subsection (c) of this section, is amend-
16 ed to read as follows:

17 “(1) shall include availability of a toll-free tele-
18 phone number (commonly referred to as an 800
19 number), and”.

20 (2) In providing information on counseling available
21 to veterans as required under section 1720D(c)(1) of title
22 38, United States Code (as amended by this section), the
23 Secretary of Veterans Affairs shall ensure that the De-
24 partment of Veterans Affairs personnel who provide as-
25 sistance under such section are trained in the provision

1 to persons who have experienced sexual trauma of infor-
2 mation about the care and services relating to sexual trau-
3 ma that are available to veterans in the communities in
4 which such veterans reside, including care and services
5 available under programs of the Department (including
6 the care and services available under section 1720D of
7 such title) and from non-Department agencies or organi-
8 zations.

9 (3) Not later than 18 months after the date of the
10 enactment of this Act, the Secretary shall submit to Con-
11 gress a report on the operation of the telephone assistance
12 service required under section 1720D(c)(1) of title 38,
13 United States Code (as so amended). The report shall set
14 forth the following:

15 (A) The number of persons who sought infor-
16 mation during the period covered by the report
17 through a toll free telephone number regarding serv-
18 ices available to veterans relating to sexual trauma,
19 with a separate display of the number of such per-
20 sons arrayed by State (as such term is defined in
21 section 101(20) of title 38, United States Code).

22 (B) A description of the training provided to
23 the personnel who provide such assistance.

24 (C) The recommendations and plans of the Sec-
25 retary for the improvement of the service.

1 **SEC. 107. COORDINATORS OF WOMEN'S SERVICES.**

2 (a) FULL-TIME STATUS.—Section 108 of the Veter-
3 ans Health Care Act of 1992 (Public Law 102–585; 106
4 Stat. 4948; 38 U.S.C. 1710 note) is amended—

5 (1) by inserting “(a)” before “The Secretary”;
6 and

7 (2) by adding at the end the following:

8 “(b) Each official who serves in the position of coordi-
9 nator of women’s services under subsection (a) shall serve
10 in such position on a full-time basis.”.

11 (b) EMPOWERMENT.—The Secretary of Veterans Af-
12 fairs shall take appropriate actions to ensure that the co-
13 ordinator of women’s services at each facility of the Veter-
14 ans Health Administration—

15 (1) is able to carry out the responsibilities of a
16 coordinator in ensuring that women veterans receive
17 quality medical care and, to the extent practicable,
18 have equal access to Veterans Administration facili-
19 ties; and

20 (2) has direct access to the Director or Chief of
21 Staff of the facility to which the coordinator is as-
22 signed.

23 **SEC. 108. PATIENT PRIVACY.**

24 (a) IDENTIFICATION OF DEFICIENCIES.—The Sec-
25 retary of Veterans Affairs shall conduct a survey of each
26 medical center under the jurisdiction of the Secretary to

1 identify deficiencies relating to patient privacy afforded to
2 women patients in the clinical areas at each such center
3 which may interfere with appropriate treatment of such
4 patients.

5 (b) CORRECTION OF DEFICIENCIES.—The Secretary
6 shall ensure that plans and, where appropriate, interim
7 steps, to correct the deficiencies identified in the survey
8 conducted under subsection (a) are developed and are in-
9 corporated into the Department's construction planning
10 processes and given a high priority.

11 (c) REPORTS TO CONGRESS.—The Secretary shall
12 compile an annual inventory, by medical center, of defi-
13 ciencies identified under subsection (a) and of plans and,
14 where appropriate, interim steps, to correct such defi-
15 ciencies. The Secretary shall submit to the Committees on
16 Veterans' Affairs of the Senate and the House of Rep-
17 resentatives, not later than October 1, 1994, and not later
18 than October 1 each year thereafter through 1996 a report
19 on such deficiencies. The Secretary shall include in such
20 report the inventory compiled by the Secretary, the pro-
21 posed corrective plans, and the status of such plans.

1 **TITLE II—CARE FOR VETERANS**
2 **EXPOSED TO TOXIC SUB-**
3 **STANCES**

4 **SEC. 201. AUTHORITY TO PROVIDE HEALTH CARE.**

5 (a) AUTHORIZED INPATIENT CARE.—Section
6 1710(e) of title 38, United States Code, is amended to
7 read as follows:

8 “(e)(1)(A) Subject to paragraph (2), a herbicide-ex-
9 posed veteran is eligible for hospital care and nursing
10 home care under subsection (a)(1)(G) for any disease
11 specified in subparagraph (B).

12 “(B) The diseases referred to in subparagraph (A)
13 are those for which the National Academy of Sciences, in
14 a report issued in accordance with section 2 of the Agent
15 Orange Act of 1991, has determined—

16 “(i) that there is sufficient evidence to conclude
17 that there is a positive association between occur-
18 rence of the disease in humans and exposure to a
19 herbicide agent;

20 “(ii) that there is evidence which is suggestive
21 of an association between occurrence of the disease
22 in humans and exposure to a herbicide agent, but
23 such evidence is limited in nature; or

24 “(iii) that available studies are insufficient to
25 permit a conclusion about the presence or absence of

1 an association between occurrence of the disease in
2 humans and exposure to a herbicide agent.

3 “(C) A radiation-exposed veteran is eligible for hos-
4 pital care and nursing home care under subsection
5 (a)(1)(G) for—

6 “(i) any disease listed in section 1112(c)(2) of
7 this title; and

8 “(ii) any other disease for which the Secretary,
9 based on the advice of the Advisory Committee on
10 Environmental Hazards, determines that there is
11 credible evidence of a positive association between
12 occurrence of the disease in humans and exposure to
13 ionizing radiation.

14 “(2) Hospital and nursing home care may not be pro-
15 vided under or by virtue of paragraph (1)(A) after Sep-
16 tember 30, 1996.

17 “(3) For purposes of this subsection and section
18 1712 of this title—

19 “(A) the term ‘herbicide-exposed veteran’
20 means a veteran (i) who served on active duty in the
21 Republic of Vietnam during the Vietnam era, and
22 (ii) who the Secretary finds may have been exposed
23 during such service to a herbicide agent;

1 “(B) the term ‘herbicide agent’ has the mean-
2 ing given that term in section 1116(a)(4) of this
3 title; and

4 “(C) the term ‘radiation-exposed veteran’ has
5 the meaning given that term in section 1112(c)(4) of
6 this title.”.

7 (b) AUTHORIZED OUTPATIENT CARE.—Section 1712
8 of such title is amended—

9 (1) in subsection (a)(1)—

10 (A) by striking out “and” at the end of
11 subparagraph (B);

12 (B) by striking out the period at the end
13 of subparagraph (C) and inserting in lieu there-
14 of a semicolon; and

15 (C) by adding at the end the following:

16 “(D) during the period before October 1,
17 1996, to any herbicide-exposed veteran for any
18 disease listed in section 1710(e)(1)(B) of this
19 title; and

20 “(E) to any radiation-exposed veteran for
21 any disease covered under section
22 1710(e)(1)(C) of this title.”; and

23 (2) in subsection (i)(3)—

24 (A) by striking out “(A)”; and

1 (B) by striking out “, or (B)” and all that
 2 follows through “title”.

3 **SEC. 202. SAVINGS PROVISION.**

4 The provisions of sections 1710(e) and 1712(a) of
 5 title 38, United States Code, as in effect on the day before
 6 the date of the enactment of this Act, shall apply with
 7 respect to hospital care, nursing home care, and medical
 8 services in the case of any veteran furnished care or serv-
 9 ices before such date of enactment on the basis of pre-
 10 sumed exposure to a substance or radiation under the au-
 11 thority of those provisions.

12 **TITLE III—READJUSTMENT**
 13 **SERVICES**

14 **SEC. 301. SCOPE OF SERVICES PROVIDED IN VET CENTERS.**

15 (a) EXPANSION OF SERVICES.—Section 1712A of
 16 title 38, United States Code, is amended—

17 (1) in subsection (a)(1) by inserting “and, to
 18 the extent otherwise authorized by law, may furnish
 19 such additional needed services as described in sub-
 20 section (i)” in the first sentence after “life”; and

21 ~~(2) by adding at the end the following new sub-~~
 22 ~~sections:~~

23 *(2) by redesignating subsection (i) as subsection*
 24 *(j); and*

1 (3) *by inserting after subsection (g) the following*
2 *new subsections:*

3 “(h) The Secretary may, to the extent resources and
4 facilities are available, furnish to any veteran who served
5 in combat during World War II or the Korean conflict
6 counseling in a center to assist such veteran in overcoming
7 the effects of the veteran’s combat experience.

8 “(i) In operating centers under this section, the Sec-
9 retary may provide (1) preventive health care services, (2)
10 medical services reasonably necessary in preparation for
11 hospital admission, and (3) referral services to assist in
12 obtaining specialized care. The Secretary shall provide
13 such services through such health care personnel as the
14 Secretary determines appropriate.”.

15 (b) REPORT.—Not later than one year after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Veterans’ Affairs of the Senate and
18 House of Representatives a report relating to the imple-
19 mentation of the amendments made by subsection (a). The
20 report shall include the following:

21 (1) The number of veterans provided services
22 described in section 1712A(i) of title 38, United
23 States Code, as added by subsection (a).

24 (2) The number of centers which provided serv-
25 ices described in that section.

1 (3) An assessment of the effect providing such
2 services has had on access to and timeliness of serv-
3 ice delivery.

4 **SEC. 302. ADVISORY COMMITTEE ON THE READJUSTMENT**
5 **OF VETERANS.**

6 (a) IN GENERAL.—(1) Subchapter II of chapter 17
7 of title 38, United States Code, is amended by inserting
8 after section 1712B the following new section:

9 **“§ 1712C. Advisory Committee on Veterans Readjust-**
10 **ment Counseling**

11 “(a)(1) There is in the Department the Advisory
12 Committee on Veterans Readjustment Counseling (herein-
13 after in this section referred to as the ‘Committee’).

14 “(2) The Committee shall consist of 18 members.
15 The members of the Committee shall be appointed by the
16 Secretary and shall include individuals who are recognized
17 authorities in fields pertinent to the social, psychological,
18 economic, or educational readjustment of veterans. An of-
19 ficer or employee of the United States may not be ap-
20 pointed as a member of the Committee. At least 12 of
21 the Committee shall be veterans of the Vietnam era or
22 other period of war. Appointments of members of the
23 Committee shall be made from among individuals who
24 have experience with the provision of veterans benefits and

1 services by the Department or who are otherwise familiar
2 with programs of the Department.

3 “(3) The Secretary shall seek to ensure that members
4 appointed to the Committee include persons from a wide
5 variety of geographic areas and ethnic backgrounds, per-
6 sons from veterans service organizations, minorities, and
7 women.

8 “(4) The Secretary shall determine the terms of serv-
9 ice and pay and allowances of the members of the Commit-
10 tee, except that a term of service may not exceed two
11 years. The Secretary may reappoint any member for addi-
12 tional terms of service.

13 “(b)(1) The Secretary shall, on a regular basis, con-
14 sult with and seek the advice of the Committee with re-
15 spect to the provision by the Department of benefits and
16 services to veterans in order to assist veterans in the re-
17 adjustment to civilian life.

18 “(2) In providing advice to the Secretary under this
19 subsection, the Committee shall—

20 “(A) assemble and review information relating
21 to the needs of veterans in readjusting to civilian
22 life;

23 “(B) provide information relating to the nature
24 and character of psychological problems arising from
25 military service;

1 “(C) provide an on-going assessment of the ef-
2 fectiveness of the policies, organizational structures,
3 and services of the Department in assisting veterans
4 in readjusting to civilian life; and

5 “(D) provide on-going advice on the most ap-
6 propriate means of responding to the readjustment
7 needs of future veterans.

8 “(3) In carrying out its duties under paragraph (2),
9 the Committee shall take into special account veterans of
10 the Vietnam era and the readjustment needs of those vet-
11 erans.

12 “(c)(1) Not later than March 31 of each year, the
13 Committee shall submit to the Secretary a report on the
14 programs and activities of the Department that relate to
15 the readjustment of veterans to civilian life. Each such
16 report shall include—

17 “(A) an assessment of the needs of veterans
18 with respect to readjustment to civilian life;

19 “(B) a review of the programs and activities of
20 the Department designed to meet such needs; and

21 “(C) such recommendations (including rec-
22 ommendations for administrative and legislative ac-
23 tion) as the Committee considers appropriate.

24 “(2) Not later than 90 days after the receipt of each
25 report under paragraph (1), the Secretary shall transmit

1 to the Committees on Veterans' Affairs of the Senate and
2 House of Representatives a copy of the report, together
3 with any comments and recommendations concerning the
4 report that the Secretary considers appropriate.

5 “(3) The Committee may also submit to the Sec-
6 retary such other reports and recommendations as the
7 Committee considers appropriate.

8 “(4) The Secretary shall submit with each annual re-
9 port submitted to the Congress pursuant to section 529
10 of this title a summary of all reports and recommendations
11 of the Committee submitted to the Secretary since the pre-
12 vious annual report of the Secretary submitted pursuant
13 to that section.”.

14 (2) The table of sections at the beginning of chapter
15 17 of such title is amended by inserting after the item
16 relating to section 1712B the following:

“1712C. Advisory Committee on Veterans Readjustment Counseling.”.

17 (b) ORIGINAL MEMBERS.—(1) Notwithstanding sub-
18 section (a)(2) of section 1712C of title 38, United States
19 Code (as added by subsection (a)), the members of the
20 Advisory Committee on the Readjustment of Vietnam and
21 Other War Veterans on the date of the enactment of this
22 Act shall be the original members of the advisory commit-
23 tee established under that section.

24 (2) The original members shall so serve until the Sec-
25 retary of Veterans Affairs carries out appointments under

1 such subsection (a)(2). The Secretary shall carry out such
2 appointments as soon as is practicable. The Secretary may
3 make such appointments from among such original mem-
4 bers.

5 **SEC. 303. PLAN FOR EXPANSION OF VIETNAM VETERAN RE-**
6 **SOURCE CENTERS PILOT PROGRAM.**

7 (a) PLAN.—The Secretary of Veterans Affairs shall
8 submit to the Committees on Veterans' Affairs of the Sen-
9 ate and House of Representatives a plan for expansion of
10 the Vietnam Veteran Resource Centers program estab-
11 lished by section 1712A(h) of title 38, United States Code.
12 The plan submitted shall be a plan which the Secretary
13 would implement if resources for such implementation
14 were available.

15 (b) SUBMISSION OF PLAN.—The plan, together with
16 an analysis setting forth in detail the resources required
17 for the implementation of the plan, shall be submitted
18 under subsection (a) not later than four months after the
19 date of the enactment of this Act.

1 **TITLE IV—SERVICES FOR**
2 **MENTALLY ILL VETERANS**

3 **SEC. 401. AUTHORITY TO ESTABLISH NONPROFIT COR-**
4 **PORATIONS.**

5 (a) IN GENERAL.—Chapter 17 of title 38, United
6 States Code, is amended by inserting after section 1718
7 the following new section:

8 **“§ 1718A. Nonprofit corporations**

9 “(a) The Secretary may authorize the establishment
10 at any Veterans Health Administration facility of a non-
11 profit corporation (1) to arrange for therapeutic work for
12 patients of such facility or patients of other such Depart-
13 ment facilities pursuant to section 1718(b) of this title,
14 and (2) to provide a flexible funding mechanism to achieve
15 the purposes of section 1718 of this title.

16 “(b) The Secretary shall provide for the appointment
17 of a board of directors for any corporation established
18 under this section and shall determine the number of di-
19 rectors and the composition of the board of directors. The
20 board of directors shall include—

21 “(1) the director of the facility and other offi-
22 cials or employees of the facility; and

23 “(2) members appointed from among individ-
24 uals who are not officers or employees of the De-
25 partment of Veterans Affairs.

1 “(c) Each such corporation shall have an executive
2 director who shall be appointed by the board of directors
3 with concurrence of the Under Secretary for Health of the
4 Department. The executive director of a corporation shall
5 be responsible for the operations of the corporation and
6 shall have such specific duties and responsibilities as the
7 board may prescribe.

8 “(d) A corporation established under this section
9 may—

10 “(1) arrange with the Department of Veterans
11 Affairs under section 1718(b)(2) of this title to pro-
12 vide for therapeutic work for patients;

13 “(2) accept gifts and grants from, and enter
14 into contracts with, individuals and public and pri-
15 vate entities solely to carry out the purposes of this
16 section; and

17 “(3) employ such employees as it considers nec-
18 essary for such purposes and fix the compensation
19 of such employees.

20 “(e)(1) Except as provided in paragraph (2), any
21 funds received by a corporation established under this sec-
22 tion through arrangements authorized under subsection
23 (d)(1) in excess of amounts reasonably required to carry
24 out obligations of the corporation authorized under sub-
25 section (d)(3) shall be deposited in or credited to the Spe-

1 cial Therapeutic and Rehabilitation Activities Fund estab-
2 lished under section 1718(c) of this title.

3 “(2) The Secretary, in accordance with guidelines
4 which the Secretary shall prescribe, may authorize a cor-
5 poration established under this section to retain funds de-
6 rived from arrangements authorized under subsection
7 (d)(1).

8 “(3) Any funds received by a corporation established
9 under this section through arrangements authorized under
10 subsection (d)(2) may be transferred to the Special Thera-
11 peutics and Rehabilitation Activities Fund.

12 “(f) A corporation established under this section shall
13 be established in accordance with the nonprofit corpora-
14 tion laws of the State in which the applicable medical facil-
15 ity is located and shall, to the extent not inconsistent with
16 Federal law, be subject to the laws of such State.

17 “(g)(1)(A) The records of a corporation established
18 under this section shall be available to the Secretary.

19 “(B) For the purposes of sections 4(a)(1) and 6(a)(1)
20 of the Inspector General Act of 1978, the programs and
21 operations of such a corporation shall be considered to be
22 programs and operations of the Department with respect
23 to which the Inspector General of the Department has re-
24 sponsibilities under such Act.

1 “(2) Such a corporation shall be considered an agen-
2 cy for the purposes of section 716 of title 31 (relating to
3 availability of information and inspection of records by the
4 Comptroller General).

5 “(3) Each such corporation shall submit to the Sec-
6 retary an annual report providing a detailed statement of
7 its operations, activities, and accomplishments during that
8 year. The corporation shall obtain a report of independent
9 auditors concerning the receipts and expenditures of funds
10 by the corporation during that year and shall include that
11 report in the corporation’s report to the Secretary for that
12 year.

13 “(4) Each member of the board of directors of a cor-
14 poration established under this section, each employee of
15 such corporation, and each employee of the Department
16 who is involved in the functions of the corporation during
17 any year shall—

18 “(A) be subject to Federal laws and regulations
19 applicable to Federal employees with respect to con-
20 flicts of interest in the performance of official func-
21 tions; and

22 “(B) submit to the Secretary an annual state-
23 ment signed by the director or employee certifying
24 that the director or employee is aware of, and has

1 complied with, such laws and regulations in the
2 same manner as Federal employees are required to.

3 “(h) The Secretary shall submit to the Committees
4 on Veterans’ Affairs of the Senate and House of Rep-
5 resentatives an annual report on the number and location
6 of corporations established and the amount of the con-
7 tributions made to each such corporation.

8 “(i) No corporation may be established under this
9 section after September 30, 1999.

10 “(j) If by the end of the four-year period beginning
11 on the date of the establishment of a corporation under
12 this section the corporation is not recognized as an entity
13 the income of which is exempt from taxation under the
14 Internal Revenue Code of 1986, the Secretary shall dis-
15 solve the corporation.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 1718 the following new
19 item:

“1718A. Nonprofit corporations.”.

20 **SEC. 402. EXTENSION OF DEMONSTRATION PROGRAM.**

21 Section 7 of Public Law 102–54 (105 Stat. 269; 38
22 U.S.C. ~~618~~ 1718 note) is amended—

23 (1) in subsection (a), by striking out “1994”
24 and inserting in lieu thereof “1998”;

25 (2) in subsection (c)—

1 (A) by striking out “no more than 50”;
2 and

3 (B) by striking out “~~of~~ *under* this sub-
4 section.” and inserting in lieu thereof “~~of~~ *under*
5 this subsection—

6 “(1) at no more than 58 sites during fiscal year
7 1994;

8 “(2) at no more than 70 sites during fiscal year
9 1995;

10 “(3) at no more than 82 sites during fiscal year
11 1996;

12 “(4) at no more than 94 sites during fiscal year
13 1997; and

14 “(5) at no more than 106 sites during fiscal
15 year 1998.”.

16 **SEC. 403. SPECIAL COMMITTEE.**

17 (a) ESTABLISHMENT.—The Secretary of Veterans
18 Administration, acting through the Under Secretary for
19 Health of the Department of Veterans Affairs, shall estab-
20 lish in the Veterans Health Administration a Special Com-
21 mittee on Care of Severely Chronically Mentally Ill Veter-
22 ans (hereinafter in this section referred to as the “Special
23 Committee”). The Under Secretary shall appoint employ-
24 ees of the Department with expertise in the care of the
25 chronically mentally ill to serve on the Special Committee.

1 (b) FUNCTIONS.—The Special Committee may as-
2 sess, and carry out a continuing assessment of, the capa-
3 bility of the Veterans Health Administration to meet effec-
4 tively the treatment and rehabilitation needs of severely,
5 chronically mentally ill veterans. In carrying out that re-
6 sponsibility, the Special Committee shall—

7 (1) monitor the care provided to such veterans
8 through the Veterans Health Administration;

9 (2) identify systemwide problems in caring for
10 such veterans in facilities of the Veterans Health
11 Administration;

12 (3) identify specific facilities within the Veter-
13 ans Health Administration at which program sup-
14 port is needed to improve treatment and rehabilita-
15 tion of such veterans; and

16 (4) identify model programs which have had
17 demonstrated success in the treatment and rehabili-
18 tation of such veterans and which should be imple-
19 mented more widely in or through facilities of the
20 Veterans Health Administration.

21 (c) ADVICE AND RECOMMENDATIONS.—The Special
22 Committee shall—

23 (1) advise the Under Secretary regarding the
24 development of policies for the care and rehabilita-
25 tion of the severely, chronically mentally ill; and

1 (2) make recommendations to the Under Sec-
2 retary—

3 (A) for improving programs of care of such
4 veterans at specific facilities and throughout the
5 Veterans Health Administration;

6 (B) for establishing special programs of
7 education and training relevant to the care of
8 such veterans for employees of the Veterans
9 Health Administration;

10 (C) regarding research needs and priorities
11 relevant to the care of such veterans; and

12 (D) regarding the appropriate allocation of
13 resources for all such activities.

14 (d) ANNUAL REPORTS.—(1) Not later than April 1,
15 1994, the Secretary of Veterans Affairs shall submit to
16 the Committees on Veterans' Affairs of the Senate and
17 House of Representatives a report on the implementation
18 of this section. The report shall include the following:

19 (A) A list of the members of the Special Com-
20 mittee.

21 (B) The assessment of the Under Secretary for
22 Health, after review of the findings of the Special
23 Committee, regarding the capability of the Veterans
24 Health Administration, on a systemwide and facility-
25 by-facility basis, to meet effectively the treatment

1 and rehabilitation needs of severely, chronically men-
2 tally ill veterans.

3 (C) The plans of the Special Committee for fur-
4 ther assessments.

5 (D) The findings and recommendations made
6 by the Special Committee to the Under Secretary for
7 Health and the views of the Under Secretary on
8 such findings and recommendations.

9 (E) A description of the steps taken, plans
10 made (and a timetable for their execution), and re-
11 sources to be applied toward improving the capabil-
12 ity of the Veterans Health Administration to meet
13 effectively the treatment and rehabilitation needs of
14 severely, chronically mentally ill veterans.

15 (2) Not later than February 1, 1995, and February
16 1 of each of the three following years, the Secretary shall
17 submit to the Committees on Veterans' Affairs of the Sen-
18 ate and House of Representatives a report containing in-
19 formation updating the reports submitted under this sub-
20 section before the submission of such report.

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